IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

Criminal Appeal No.212 of 2000.

Date of decision: 30.7.2007

State of H.P. **..Appellant**

Versus

Kewal Krishan **..Respondent**

Coram

The Hon'ble Mr. Justice Surjit Singh, J.

Whether approved for reporting ?[1].

For the Appellant : **Mr. M.L. Chauhan, Addl. A.G.**

For the respondent: **None.**

Surjit Singh, J. (oral)

Appellant, alongwith two other persons, namely Jaswant Singh Rana and Ram Nath Nahar, had been booked for an offence under Section 420 I.P.C. for cheating certain persons by inducing them to believe that Jaswant Singh Rana was an authorized travelling agent and that he could arrange to send them abroad. Those persons parted with an amount of Rs.2,07,000/-. The money was allegedly received by the present appellant and his aforesaid two companions. Jaswant Singh Rana died during the investigation of the case and Ram Nath Nahar died during the pendency of the trial. The appellant was convicted by the trial Court and sentenced to undergo rigorous imprisonment for three years and to pay a fine of 5000/-.

2. Appellant filed an appeal. The Sessions Court upheld the conviction of the appellant, but reduced the sentence of substantive imprisonment from three years to two years. It is against this order of

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[1] ***Whether the reporters of Local Papers may be allowed to see the judgement*?**

reduction of the term of sentence of substantive imprisonment that the present appeal is directed.

3. I have heard the learned Additional Advocate General. The alleged cheating had taken place in the year 1985. Case was registered in the year 1986. Challan was filed in the Court of Magistrate in the year 1988. The trial Court took eight long years to conclude. Matter remained pending for another four years in the first Appellate Court. Thus, the appellant had already undergone the agony of the investigation and the trial for a period of more than 14 years when the Sessions Court decided the appeal. Now, a period of more than 22 years has elapsed since the commission of the crime.

Taking into account the above said long lapse of time and the fact that the appellant has faced the agony of trial and the investigation for such a long tome, I do not think this to be a fit case where sentence should be enhanced by setting aside the order of reduction of sentence passed by the Sessions Court. Hence, the appeal is dismissed.

July 30, 2007(ss) **(Surjit Singh), J**